

## **REMARKS**

This paper is presented in response to the Final Office Action. By this paper, no amendment is made to the claims and therefore claims 1, 3-4, 6-9, and 35-57 remain pending.

Reconsideration of the application is respectfully requested in view of the following remarks. Applicants respectfully submit that the remarks do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this paper should allow for immediate action by the Examiner. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **I. General Considerations**

Applicant notes that the amendment and remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

### **II. Rejections Under 35 U.S.C. §102(e)**

The Examiner has rejected claims 42 and 49 under 35 U.S.C. § 102(e) as being anticipated by *Takada* (United States Pub. No. 2003/0147602). Applicant submits that in light of Applicant's Declaration and invention record filed under 37 C.F.R. § 1.131 on December 28, 2006, the rejection is rendered moot and should be withdrawn.

Particularly, the Declaration and invention record on file with Office (filed by Applicant on 28 December 2006) demonstrate reduction to practice of the claimed invention prior to November 26, 2002. *See Declaration* at 1. On the other hand, the effective date of *Takada* is its filing date of January 24, 2003.

In view of the Rule 131 declaration, Applicant submits that *Takada* is not prior art as to the claimed invention and respectfully request that the rejection based on *Takada* be withdrawn.

**III. Rejection Under 35 U.S.C. § 103**

The Examiner has rejected claims 1, 3-4, 7-9, 35-41, and 50-57 under 35 U.S.C. § 103 as being unpatentable over *Edwards et al.* (U.S. Patent No. 6,893,170) in view of *Takada* and has rejected claims 43-48 under 35 U.S.C. § 103 as being unpatentable over *Takada*.

Applicant respectfully traverses the rejection because, as discussed above in section II, *Takada* is not prior art as to the claimed invention. Therefore, the rejection of claims 1, 3-4, 7-9, 35-41, 43-48, and 50-57 under 35 U.S.C. § 103 based upon *Takada* should be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicant respectfully submits that each of the pending claims 1, 3-4, 6-9, and 35-57 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 27<sup>th</sup> day of March 2008.

Respectfully submitted,

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